

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JAMES A. TANKSLEY,

Plaintiff,

ORDER

v.

EDWARD WALL, et al.

Case No. 15-cv-126-jdp

Defendants.

Plaintiff James A. Tanksley, a prisoner in the custody of the Wisconsin Department of Corrections, has filed a proposed civil complaint. Plaintiff has not paid the \$400 filing fee nor asked for leave to proceed without prepayment of fees or costs. Instead, plaintiff has filed a motion to use his release account funds to pay the entire \$400 filing fee in this case.

The Prison Litigation Reform Act, 28 U.S.C. § 1915, does not permit plaintiff to use release account funds to pay the entire filing fee in this case and his motion must be denied. For this case to proceed, plaintiff must either pay the \$400 filing fee from a source other than his release account, or submit a properly supported motion for leave to proceed without prepayment of the filing fee.

ORDER

IT IS ORDERED that:

1. Plaintiff James A. Tanksley's motion to use his release account funds to pay the entire filing fee in this case (dkt. #2) is DENIED.
2. Plaintiff may have until March 25, 2015, to either pay the \$400 filing fee or file a motion for leave to proceed without prepayment of the filing fee along with a certified

copy of his trust fund account statement for the period beginning approximately August 24, 2014 and ending approximately February 24, 2015. If, by March 25, 2015, plaintiff fails to respond to this order, I will assume that plaintiff wishes to withdraw this action voluntarily. In that event, the case will be closed without prejudice to plaintiff filing the case at a later date.

Entered this 2nd day of March, 2015.

BY THE COURT:

/s/
PETER OPPENEER
Magistrate Judge